

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

IN RE: ALLEGHENY ENERGY, INC.

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MASTER FILE. NO. 03-1518

THIS DOCUMENT RELATES TO THE  
CONSOLIDATED ERISA MATTER

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REPORT AND RECOMMENDATION

This case was referred to the undersigned for consideration of Plaintiffs' 1) Motion for Final Approval of Settlement, Certification of Settlement Class, and Approval of Plan of Allocation and 2) Motion for Attorneys' Fees, Reimbursement of Expenses and Case Contribution Award. Defendants supported the Motion for Final Approval of Settlement and took no position on the Motion for Fees. In consideration of the motions, and in light of the parties' positions, it is my recommendation that both be granted.

Dated this 31<sup>st</sup> day of May, 2007.



James K. Bredar  
United States Magistrate Judge

## **MAGISTRATE JUDGES; PRETRIAL ORDERS**

**(a) Nondispositive Matters.** A magistrate judge to whom a pretrial matter not dispositive of a claim or defense of a party is referred to hear and determine shall promptly conduct such proceedings as are required and when appropriate enter into the record a written order setting forth the disposition of the matter. Within 10 days after being served with a copy of the magistrate judge's order, a party may serve and file objections to the order; a party may not thereafter assign as error a defect in the magistrate judge's order to which objection was not timely made. The district judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law.

**(b) Dispositive Motions and Prisoner Petitions.** A magistrate judge assigned without consent of the parties to hear a pretrial matter dispositive of a claim or defense of a party or a prisoner petition challenging the conditions of confinement shall promptly conduct such proceedings as are required. A record shall be made of all evidentiary proceedings before the magistrate judge, and a record may be made of such other proceedings as the magistrate judge deems necessary. The magistrate judge shall enter into the record a recommendation for disposition of the matter, including proposed findings of fact when appropriate. The clerk shall forthwith mail copies to all parties.

A party objecting to the recommended disposition of the matter shall promptly arrange for the transcription of the record, or portions of it as all parties may agree upon or the magistrate judge deems sufficient, unless the district judge otherwise directs. Within 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations. A party may respond to another party's objections within 10 days after being served with a copy thereof. The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.